

REMARKS

Claims 1, 12, and 20 have been amended, and claims 1-10 and 12-20 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-5, 7-8, 10-16, 18 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524). The applicants respectfully traverse.

The combination of Maeda and Takeshita, even if proper, does not disclose or suggest all the limitations of claim 1. For example, neither Maeda nor Takeshita, alone or in combination, disclose wherein the at least one factor comprises a maximum recording speed. The Examiner concedes that Maeda does not disclose this limitation, but argues that Takeshita remedies the deficiency. The Examiner nevertheless admits that the optimum recording speed disclosed in Takeshita is not a maximum recording speed. The Examiner attempts to resolve this contradiction by asserting that the optimum speed is a maximum "proper" speed. However, the claims do not recite a "maximum proper speed"; the claims recite a "maximum speed". As the Examiner notes, the "maximum speed" is different from the "optimum speed".

Furthermore, even assuming *arguendo* that the Examiner's insertion of limitations into the claim is proper, the combination of Maeda and Takeshita does not disclose revision information indicating an update to the at least one factor when additional information of the at least one factor is generated and also prescribed by the manufacturer. Maeda does not disclose that any of the information shown in FIG. 9 and relied upon by the Examiner indicates an update to a factor when additional information of the factor is generated. Maeda fails to disclose that additional information of a factor can be generated, or that when such additional information is generated, revision information indicating the update is recorded. All of the information disclosed in FIG. 9 is pre-recorded on the disk; Maeda does not disclose that the information, once recorded, can be updated when additional information is generated. Takeshita does not remedy these deficiencies. Takeshita is directed toward determining an optimum recording speed; there is no disclosure of revision information indicating an update to the at least one

factor when additional information of the at least one factor is generated and also prescribed by the manufacturer. Accordingly, the combination of Takeshita and Maeda does not disclose or suggest all the limitations of claim 1, and the rejection of claim 1 should be withdrawn.

Claims 2-5, 7, 8, and 10 depend from claim 1. The rejection of these claims should be withdrawn for at least the reasons given above with respect to claim 1.

The rejection of claims 12 and 20 should be withdrawn for at least the reasons given above with respect to claim 1. Claims 13-16 and 18 depend from claim 12. The rejection of claims 13-16, 18, and 19 should be withdrawn for at least the reasons given above with respect to claim 12.

Claims 6 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524) and further in view of Ohno et al. (U.S. Patent 6,628,602). Claims 6 and 17 depend from claims 1 and 12, respectively. The combination of Maeda and Takeshita does not disclose all of the limitations of claim 1 for the reasons given above, and Ohno does not remedy these deficiencies. Since the combination of Maeda, Takeshita, and Ohno thus does not disclose all the limitations of the claim, and the Examiner has failed to show why it would have been obvious to modify the disclosures of the references to remedy this deficiency, the combination of Maeda, Takeshita, and Ohno does not disclose or suggest all of the limitations of claims 6 and 17, and the rejection of claims 6 and 17 should be withdrawn.

Claims 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent 6,072,759) and Takeshita (U.S. Patent 6,556,524) and further in view of Kondo (U.S. Patent 6,600,716). Claims 9 and 19 depend from claims 1 and 12, respectively. The combination of Maeda and Takeshita does not disclose all of the limitations of claim 1 for the reasons given above, and Kondo does not remedy these deficiencies. Since the combination of Maeda, Takeshita, and Kondo thus does not disclose all the limitations of the claim, and the Examiner has failed to show why it would have been obvious to modify the disclosures of the references to remedy this deficiency, the combination of Maeda, Takeshita, and Kondo does not disclose or suggest all of the limitations of claims 9 and 19, and the rejection of claims 9 and 19 should be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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